

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RHONDA EUBANKS	:	CIVIL ACTION NO. 1:CV-13-CV-2050
	:	
Plaintiff	:	(CHIEF JUDGE KANE)
	:	(Magistrate Judge Blewitt)
v.	:	
	:	
YOUNG WOMEN'S CHRISTIAN	:	
ASSOCIATION, <i>et al.</i>	:	
	:	
Defendants	:	

ORDER

Before the Court in the captioned action is an August 7, 2013 Report and Recommendation of the Magistrate Judge. No timely objections have been filed.

Accordingly, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

1) The Court adopts the Report and Recommendation of Magistrate Judge Blewitt.

2) Plaintiff's Fourth Amendment excessive force claim against Defendant Harrisburg Police Department is dismissed without prejudice so that Plaintiff may amend her Complaint with regard to this claim. Plaintiff is directed to file an amended complaint within twenty days.

3) Defendants YWCA and YWCA of Greater Harrisburg are dismissed with prejudice, as they are not "state actors" under Section 1983, and thus cannot be held liable in the present action.

4) Plaintiff's state law claim for "illegal eviction" is dismissed without prejudice to file an appropriate state law action in the Dauphin County Court of Common Pleas as it

is a state law claim, and not cognizable constitutional claim under Section 1983.

5) The Clerk of Court shall remand this case to Magistrate Judge Blewitt.

6) The Clerk of Court is further directed to provide Plaintiff with a copy of the complaint (Doc. No. 1).

s/ Yvette Kane
YVETTE KANE, Chief Judge
United States District Court
Middle District of Pennsylvania

Dated: September 5, 2013